

Directions to Young Clerks in the Court of Kings Bench, for

making the Proceſs of the ſaid Court Returnable, both at Days Certain and *Ubicunque*; with other Directions in order thereunto.

30. Oct. 1684.

By JOHN WARTER, SEN. GENT. Deceased.

How to know the Beginning and Ending of every Term in the Year, without any other uſe of an Almanack, than to find what day of the Week *Michaelmas* Day happeneth; which being found, that day three Weeks after is the *Effoyne* day of *Michaelmas* Term, and the *Quarto die poſt incluſive* is the firſt day of the Term, which is always the three and twentieth day of *October* if it be not Sunday, but if Sunday, then the four and twentieth day, and endeth the eight and twentieth day of *November* if not Sunday, and if Sunday, then it endeth the nine and twentieth day, and the laſt day of every Term, is the *Quarto die poſt incluſive* of the *Effoyne* day of the laſt Return.

Michaelmas
Term.

This Term Contains in it Five Complete Weeks and two Days, and hath ſix Returns, which are thus to be Written.

- 1 *A die ſancti Michaelis in tres ſeptimanas ubicunque tunc fuerimus in Anglia,*
- 2 *A die ſancti Michaelis in unum menſem ubicunque, &c.*
- 3 *In Craſtino Animarum ubicunque, &c.*
- 4 *In Craſtino ſancti Martini ubicunque, &c.*
- 5 *In Octabas ſancti Martini ubicunque, &c.*
- 6 *A die ſancti Martini in quindecim dies ubicunque, &c.*

Hilary Term beginneth the three and twentieth day of *January*, if not Sunday, &c. which is always that day eight Weeks on which *Michaelmas* Term ended, and endeth the twelfth day of *February*, if not Sunday, &c. being always the ſame day of the Week that *Michaelmas* Term beginneth.

Hilary
Term.

This Term Contains in it three Complete Weeks, and hath four Returns, which are thus to be Written.

- 1 *In Octabas ſancti Hillarii ubicunque, &c.*
- 2 *A die ſancti Hillarii in quindecim dies ubicunque, &c.*
- 3 *In Craſtino Purificationis Beate Mariæ Virginis ubicunque, &c.*
- 4 *In Octabas Purificationis Beate Mariæ Virginis ubicunque, &c.*

Eaſter Term beginneth the Wednesday Fortnight after *Eaſter* Day, its *Effoyne* day being Sunday before, but held on Monday, and ends on Monday before Whitiſunday.

Eaſter
Term.

This Term Contains in it three Complete Weeks and ſix Days, and hath five Returns, which are thus to be Written.

- 1 *A die Paſchæ in quindecim dies ubicunque, &c.*
- 2 *A die Paſchæ in tres ſeptimanas ubicunque, &c.*
- 3 *A die Paſchæ in unum menſem ubicunque, &c.*
- 4 *A die Paſchæ in quinque ſeptimanas ubicunque, &c.*
- 5 *In Craſtino Aſcenſionis Domini ubicunque, &c.*

Trinity Term beginneth the Friday after *Trinity* Sunday, its *Effoyne* day being Monday before, and ends on Wednesday Fortnight after the Term beginneth.

Trinity
Term.

This Term Contains in it three Weeks wanting one Day, and hath four Returns, which are thus to be Written.

- 1 *In Craſtino ſanctæ Trinitatis ubicunque, &c.*
- 2 *In Octabas ſanctæ Trinitatis ubicunque, &c.*
- 3 *A die ſanctæ Trinitatis in quindecim dies ubicunque, &c.*
- 4 *A die ſanctæ Trinitatis in tres ſeptimanas ubicunque, &c.*

Writs

to be

Recordari

ubi

All Writs of *Scire facias Quare non*, and *Ad Audiendum Errores*, upon Writs of Error out of the Common Pleas and out of Inferior Courts, all Writs of *Capias ad ſatisfaciendum*, *Fieri facias*, and other Judicial Writs after Judgments affirmed, all proceſs to the Outlay, *Retournamentum habendum*, *Capias in Withernam*, and all other Writs and Proceſs grounded upon any *Recordari facias Loquelam*, *Audita Querela*, *Accedas ad Curiam*, *Capias ſi Laicus*, or any other Original Writ out of Chancery.

That there muſt be fifteen days *Excluſive* between the Teſte and Return of all *ubicunque* Writs, unleſs diſpenced with by Act of Parliament: To which purpoſe there be two Statutes, the one in *Decimo ſeptimo Caroli Primi Capite Sexto* (by which Statute the two then firſt Returns of *Michaelmas* Term, (*viz.*) *Octabas Michaelis* and *Quindena Michaelis* were taken away) by which proviſion is made, That all Writs and Proceſs in perſonal Actions, having day from *Tres Michaelis* till *Craſtinum Animarum*, ſhall be good and effectual in Law, notwithstanding there be not fifteen days between the *Quarto die* of *Tres Michaelis*, and the day of *Effoyne* of *Craſtinum Animarum*. The other in *Decimo Tertio Caroli Secundi, Capite Secundo, Secunda Seſſione*, by which alſo proviſion is made, that in all Perſonal Actions, and Actions of *Ejectione firme*, brought by Original, there ſhall not need to be fifteen days between the Teſte and Return of any Writ or Writs of *Venire facias*, *Habeas Corpora*, *Diſtringas Juratorum*, *Fieri facias*, or *Capias ad ſatisfaciendum*, and that the want thereof ſhall not be Error. Except the *Capias ad ſatisfaciendum*, whereon an Exigent after Judgment is to be Awarded, and a *Capias ad ſatisfaciendum* againſt the Defendant to make Bayl liable: And thus far touching Writs Returnable *ubicunque*.

Of Writs Returnable at Days certain.

Writs

to be

Recordari

ubi

The *Lattitat*, alias *Capias*, *pluries Capias*, *Bill of Middleſex*, *Diſtringas nuper Vice-Comitem*, *Habeas Corpus ſuper Cepi Corpus*, *Habeas Corpus ad Faciendum & Recipiendum*, and all other Proceſs thereupon, both before and after Judgment, muſt be Returnable at Days certain, and may be ſo made upon any day in Term, that is *Dies Juridicus*; but if you make them Returnable upon the *Effoyne* day of any Return, the day of the Week muſt be Named in certain, as *Die Lunæ in Menſe Michaelis die Martis in Craſtino Animarum*, and all other days of the Week, they muſt be ſuch a day poſt ſuch a Return, as *Die Lunæ proxima poſt tres ſeptimanas ſancti Michaelis*, *die Martis proxima poſt Craſtinum ſancti Martini*, &c.

There is one day in every *Michaelmas* Term, which cannot properly be ſaid to be in or poſt any Return, which is the eleventh day of *November* Yearly, for *Craſtino Animarum* is always the third of *November*, and the next Return after being *Craſtino Martini* is the twelfth of *November*, between which two Returns one day of the Week falls twice, as Example, this preſent Year, 1675. *Craſtino Animarum* is on Friday, and the next day is *Sabbati proximi poſt Craſtinum Animarum*, and the eleventh of *November* is another Saturday on the next Return day, and it is to be written, *Sabbati in Feſto ſancti Martini*, and ſo Yearly, according to the day of the Week whereon the Feaſt of *St. Martin* hapneth.

Writs

to be

Recordari

ubi

All Saints and all Souls, being the firſt and ſecond days of *November* in *Michaelmas* Term, the Feaſt of the Purification being the ſecond of *February* in *Hilary* Term, *Aſcenſion* day in *Eaſter* Term, and *Midſomer* day in *Trinity* Term, if it happen to be in Term time.

That in *Eaſter* Term all the *Effoyne* days of every Return are on Sundays, except the laſt Return, which is *Craſtino Aſcenſionis*, and ſo are all the *Effoyne* days of the Returns of *Trinity* Term, except the firſt which is *Craſtino ſancti Trinitatis*, by reaſon whereof every *Dies Juridicus* in *Eaſter* Term (except *Veneris* in *Craſtino Aſcenſionis*) is poſt ſome Return or other, and every *Dies Juridicus* in *Trinity* Term is poſt ſome Return or other of that Term.

That the ſame day of the Week that every Term begins, is a ſure day to make Writs returnable upon through all the Returns of every Term, except the laſt Return; and never happens upon any day that is not *Dies Juridicus*, unleſs *Midſomer* day chance to fall in Term time, and on the ſame day of the Week that the Term begins, as it did in the Year 1664. which is but rare.

L O N D O N, Printed for and Sold by William Warter Stationer, at the Sign of the Talbot over againſt the Eaſt End of *St. Dunſtan's* Church in *Fleetſtreet*, where you may be furniſhed with all ſorts of blank Bonds, blank Writs, blank Warrants for Juſtices, Licenſes for Alehouſes, blank Indentures for Apprentices, blank Indentures to put out Pariſh Children by the Juſtices of the Peace, blank Declarations in Ejection in the King's Bench or Common Pleas, blank Rules in Ejection in the King's Bench, blank bayl Bonds for Appearance, blank Tickets for Subpena's for London, *Weſtmiſter*, or the Aſſizes, or for any other Court, blank Warrants of Attorney to confeſs Judgment, or to Acknowledge Satisfaction on Record, blank Affidavits for Burying in Woollen, blank Deſſeazances upon Judgment, or any other ſorts of blanks, which are Printed for and ſold by the ſaid William Warter, 1680.